

The particular size standard to be applied shall be based on the primary industry classification of the applicant concern. Ownership by the CDC will not, in and of itself, cause affiliation with the CDC or with other CDC-owned entities. However, affiliation with the CDC or other CDC-owned entities may be caused by circumstances other than common CDC ownership.

(d) No CDC shall own more than one current or former 8(a) Program Participant having the same primary industry classification.

(e) SBA does not deem an individual involved in the management or daily business operations of a CDC-owned concern to have used his or her individual eligibility within the meaning of § 124.108(c).

[60 FR 29975, June 7, 1995]

§ 124.201 8(a) Program application.

It is SBA's policy that any concern or any individual on behalf of such business has the right to apply for 8(a) Program Participation whether or not there is an appearance of eligibility. However, concerns which have not been in business for two full years as described § 124.107 will not be approved for 8(a) Program Participation.

§ 124.202 Place of filing.

An application for 8(a) program admission is to be filed in the SBA field office serving the territory in which the principal place of business, as defined in § 124.100, is located. The field office will provide an applicant concern with information regarding the 8(a) program, and with all required application forms. An 8(a) application will be processed by the appropriate SBA regional office of the Division of Program Certification and Eligibility.

§ 124.203 Servicing office.

Once approved, a Program Participant will be serviced in the field office serving the territory in which the concern's principal place of business, as defined in § 124.100, is located.

§ 124.204 Applicant representatives.

Subject to the limitations of § 124.7, an applicant concern may employ at its option outside representatives in

connection with an application for 8(a) Program Participation. If the applicant chooses to employ outside representation such as an attorney, accountant, or others, the requirements of part 103 of this title dealing with the appearance and compensation of persons appearing before SBA are applicable to the conduct of the representative. In addition, representation in proceedings before the Office of Hearings and Appeals shall be limited as provided in § 134.16 of this title.

§ 124.205 Forms and documents required.

Each 8(a) applicant concern must submit the forms and attachments thereto required by SBA when making application for admission to the 8(a) program. Such forms and attachments will include, but are not limited to, financial statements and Federal personal and business tax returns.

§ 124.206 Approval and decline of applications for 8(a) program admission.

(a) *General.* The AA/MSB&COD is authorized to approve or decline applications for admission to the 8(a) program. However, denials of program admission based on his/her finding that the individual(s) claiming social and economic disadvantage are not socially and/or economically disadvantaged and/or that such individual(s) does (do) not own and/or does (do) not control the applicant concern, may be appealed to SBA's Office of Hearings and Appeals (OHA). The Division of Program Certification and Eligibility (the Division) will receive, review and evaluate all 8(a) applications. The Division will advise each program applicant within 15 days after the receipt of an application whether such application is complete and suitable for evaluation and, if not, what additional information or clarification is required to complete the application. SBA will process an application for 8(a) Program Participation within 90 days of receipt by the Division of a complete application package. Incomplete application packages will not be processed.

(b) *Approval.* If the AA/MSB&COD finds that the applicant concern meets all eligibility criteria, he/she shall